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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

RAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOW COMES OSHIMA, HIROSHI, and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October 1946, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. ARITA, Hachiro - Tokyo, Shibuya-Ku, Yoyogi Nishihara, Foreign Minister from 1936 to 1937, Political Adviser to the Foreign Office 1938, Foreign Minister 1939 and 1940.
 - (a) The nationality of the witness is Japanese;
 - (b) The purpose of the testimony of the witness is to explain the Japanese interpretation of the Anti-Comintern Pact and Secret Agreement; the negotiations concerning the Three Party Alliance, which were terminated by the Russian-German Pact, the difference between this abortive pact and the final agreement. To show the extent to which OSHIMA participated in the negotiations and conclusions of the various pacts.
2. MUSHAKOJI, Kintomo, - Tokyo, Shibuya-Ku, Harajuku 3 Chome. The witness was Ambassador to Turkey 1933 to 1934. Was Ambassador to Germany 1934 to 1937 and concluded the Anti-Comintern Pact, and can testify as to the extent of the participation of the defendant OSHIMA in the execution of this Anti-Comintern Agreement as well as the effect of the Pact and the resultant relations between Germany and Japan and other major nations of the world.
3. WAKAMATSU, Tadaichi - Tokyo, Kitatama-Gun, Musashino-Machi, Kichijoji.
 - (a) The nationality of the witness is Japanese;
 - (b) Witness was Vice-Minister of War in 1945, was Chief of German Sub-Section, GHQ, in 1935 and 1936 at the time when the defendant OSHIMA was Military Attache in Germany.
 - (c) The testimony of the witness will bear on the negotiations concerning the beginning of the Anti-Comintern Pact, the circumstances of the appointment of OSHIMA as Military Attache in Germany and the instructions given to OSHIMA by GHQ.

4. NISHIO, Toshizo - Sugamo Prison

- (a) The nationality of the witness is Japanese.
- (b) The witness was Vice Chief of Staff 1936.
- (c) The witness will testify as to the aims of the Japanese Army in concluding the Anti-Comintern Pact and the attitude of the Japanese military at the time. This witness is in Sugamo Prison and his testimony will be corroborated by UMEZU, a defendant.

5. KASAHARA, Yukio - Kanagawa Prefecture, Ashigara-Shinogun, Shimo-Nakamura

- (a) The nationality of the witness is Japanese.
- (b) The witness was chief of the Russian Section of GHQ 1936 - 1937 and was sent to Berlin as an assistant to OSHIMA when he was Military Attache in Berlin in 1938.
- (c) The witness will testify as to the extent of OSHIMA's participation in counter-intelligence activities against the Russians, emphasized in Hamner's Diary. The witness was a courier between OSHIMA and the GHQ at the beginning of negotiations on the Tri-Partite Pact, which was nullified by the German-Russian Non-Aggression Pact, and will testify as to the part played by OSHIMA in the initial stage of this negotiation. (Was a Prisoner of War in China but is now repatriated and lives in Japan.)

6. KAWABE, Torashiro - Nagoya, Higashi-Ku, Higashi-Setobori-Cho, c/o Takano

- (a) The nationality of the witness is Japanese.
- (b) Was Military Attache to Germany from 1933 to 1940 succeeding OSHIMA when he became Ambassador. The witness will testify for the period following the testimony of KASAHARA, and will also describe the duties and responsibilities of Military Attaches under the Japanese military system.

7. YOSHIMAKI, Kazutaro - Tokyo, Setagaya-Ku, Kitezawa

- (a) The nationality of the witness is Japanese.
- (b) The witness was Section Chief of GHQ Intelligence in 1936-1937 and had direct supervision over the White Russian Counter-Intelligence System in Germany and will testify as to the manner in which the campaign was carried on.

8. NAKAJIMA, Tetsuzo - now in Sumatra, N.E.I.

- (a) The nationality of the witness is Japanese.
- (b) Vice Chief of Staff, December 1937 to September 1939.
- (c) The witness will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany which took place in October 1938. Since there is considerable controversy concerning the reasons and background for OSHIMA's appointment, it is deemed essential to have a special witness for this purpose.

9. USAMI, Uzuhiro - Tokyo, Nakano-Ku, Honcho-Dori
- (a) The nationality of the witness is Japanese.
 - (b) Consul-General in Geneva 1937 - 1938. Counsellor of the Japanese Embassy in Berlin 1933 - 1940.
 - (c) The witness will testify as to OSHIMA's part in the negotiations of the Tri-Partite Pact which failed and the extent to which the Pact reflected the policy of the Japanese Government and the circumstances surrounding OSHIMA's resignation as Ambassador.
10. TAKEUCHI, Ryuji - Hokkaido, Sapporo
- (a) The nationality of the witness is Japanese.
 - (b) Secretary of the Japanese Embassy in Berlin 1938-1939. Will testify as to OSHIMA's relations with Himmler and the circumstances surrounding OSHIMA's resignation.
11. SAITO, Ryoei - Tokyo, Shibuya-Ku, Shoto
- (a) Was Political Advisor to the Foreign Office from August 1940 to July 1941. Will testify as to the circumstances and conclusion of the final draft of the Three-Power Pact and will show no participation on the part of OSHIMA in the conclusion of this Pact and will explain the essential differences between the first (which failed) and final Pacts.
12. OHASHI, Chuichi - Gifu Prefecture, Hajima-Gun, Koguma-Mura
- (a) The nationality of the witness is Japanese.
 - (b) Vice Foreign Minister under Matsuoka. The witness will testify as to the extent to which Matsuoka accepted advice from ambassadors and foreign representatives. Will testify as to the circumstances of OSHIMA's re-appointment as Ambassador in 1940 and as to Stohmer's coming to Japan and the reasons for Matsuoka's visits to Germany, Italy and Russia.
13. MATSUMOTO, Shunichi - Tokyo, Meguro-Ku, Sanya, 80
- (a) The nationality of the witness is Japanese.
 - (b) Director of the Treaty Department of the Foreign Office 1940 to 1942. Foreign Minister from 1942 to 1944. Will testify concerning the final Tri-Partite Pact and the extension of the Anti-Comintern Pact. The abrogation of the secret agreement, the negotiations of the No Separate Peace Pact and the extent to which OSHIMA participated in the policy underlined.
14. NOMURA, Naokuni - Tokyo, Setagaya-Ku, Kitzawa
- (a) The nationality of the witness is Japanese.
 - (b) Japanese Member of Military Commission in Berlin 1940 - 1943. Navy Minister in 1945 in Koiso Cabinet.

- (c) The witness will testify that OSHIMA had no part in the negotiations of the military agreements between Germany and Japan in 1942 and that the Military Commission was inactive and that there was no actual collaboration between Germany and Japan militarily. The witness will further testify as to the transfer of the U-Boats, the effect of the Hitler decree concerning ship-wrecked crews and kindred matters.
15. YOKOI, Tadao - Wakayama Prefecture, Tanabe-shi, Honcho
- (a) The nationality of the witness is Japanese.
- (b) Naval Attache 1941 - 1943 in Berlin. The witness will corroborate the testimony of Nomura and particularly emphasize the U-Boat transfer.
16. KOMATSU, Mitsuhiko - Kochi Prefecture, Kami-gun, Yameda-mura
- (a) The nationality of the witness is Japanese.
- (b) Military Attache in Berlin 1941 to 1945. The witness will testify concerning lack of collaboration between Japanese and German armed forces and the relations between the two armies. The witness will further testify as to the extent of information held at Berlin concerning the plans for the attack on Pearl Harbor.
17. KAMAHARA, Shunichiro - Kanagawa Prefecture, Kamakura, Nikaido
- (a) The nationality of the witness is Japanese.
- (b) Secretary of the Japanese Embassy in Rome 1930-1940. Counsellor of the Japanese Embassy in Berlin 1940 - 1945. In Charge of the over-all political matters and information. Second position to defendant OSHIMA.
- (c) The witness will testify as to the activities of the economic committee in Berlin and will testify against NOHRA's affidavit, who testified, by affidavit, in the Russian phase of the case, and pertinent matters.
18. SAIGO, Jugo - now in Shanghai
- (a) The nationality of the witness is Japanese.
- (b) Chief of the German Sub-Section of GHQ 1938 - 1939. Assistant Military Attache in Berlin 1941-1943, especially attached to OSHIMA from the Military Attache's Office. Is now in Shanghai, a Prisoner of War. Will testify as to the manner of contact between the ambassador and the military in Germany from the outbreak of war until 1943 and as to matters generally conducted in the embassy in that period.
19. UGAKI, Kazushige - Shizuoka Prefecture, Izu-Nagaoka
- (a) The nationality of the witness is Japanese.
- (b) Witness was Foreign Minister in 1938, and will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany in 1938.

20. HIGUCHI, Kiichiro - Tokyo, Setagaya-Ku, Tamagawa,
Denyen-chofu

- (a) The nationality of the witness is Japanese.
- (b) Witness was Chief of the Second Division of GHQ 1938 - 1940.
- (c) Witness will testify as to the attitude of GHQ concerning the negotiations for the Tri-Partite Pact which failed in 1939.

21. ARISUE, Seizo - Tokyo, Setagaya-Ku, Matsubara-cho

- (a) The nationality of the witness is Japanese.
- (b) Witness was Military Attache in Italy 1936 - 1939. Chief of the Second Division of GHQ 1942 - 1945, directly supervising all the Military Attaches of Japan.
- (c) Witness will testify as to the duties and functions of the Military Attache in general.

22. KARAKAWA, Yasuo - Tokyo, Suginami-Ku, Ogikubo

- (a) The nationality of the witness is Japanese.
- (b) Witness was Chief of the Counter-Intelligence Section of GHQ 1937 - 1939 and 1940.
- (c) Witness will testify as to the White-Russian Counter-Intelligence system in Germany for the period when OSHIMA was Military Attache in Germany.

23. HARA, Shiro - First Demobilization Bureau, Tokyo

- (a) The nationality of the witness is Japanese.
- (b) Witness was a member of 20. Section of GHQ (War Policy) 1940 - 1942.
- (c) Witness will testify as to the extent OSHIMA's report influenced Japan's decision to go to war in 1941.

24. TANI, Masayuki - now in Sugamo Prison

- (a) The nationality of the witness is Japanese.
- (b) Witness was Vice-Foreign Minister 1939 - 1940.
- (c) Witness will testify as to the activities of OSHIMA during his retirement in 1939 - 1940.

25. KOTANI, Itsuo - Yamaguchi Prefecture, Saba-gun, Higita-Mura

- (a) The nationality of the witness is Japanese.
- (b) Witness was Chief of 20. Section of GHQ (War Policy) 1942; Assistant Military Attache in Germany 1943 - 1945.
- (c) Witness will testify as to the weight OSHIMA's report had on Japan's decision to go to war in 1941, and on the Japanese war policy thereafter.

26. MANUKI, Yoshinobu - Now Prisoner of War in French Indo-China

- (a) The nationality of the witness is Japanese.
- (b) Witness was Chief of the German-Sub-Section of GHQ 1936 - 1938; Assistant Military Attache in Germany 1938 - 1939.
- (c) Witness will testify as to the activities of OSHIMA, then Military Attache in Germany, specifically in connection with the counter-intelligence system against Soviet Russia.

DOCUMENTS

- 26 a. State Department files on the internment of OSHIMA at Bedford Springs, Pennsylvania from July 1945 to November 1945. This shows that OSHIMA was granted all of the privileges and immunities of a foreign wartime diplomat and will establish official U. S. recognition of his status.
- 26 b. This defendant asks that all prosecution documents seized in Germany and now in files of prosecution which have not been used in Prosecution's case be made available to him for inspection and use as exhibits.

FOREIGN WITNESSES

27. GENERAL OTT, Eugen - Now in Peking, China

- (a) The nationality of the witness is German.
- (b) Ambassador to Japan 1938 - 1943.
- (c) The witness will testify and explain the basis and source of his information of telegrams dispatched to Berlin during the time of his stay in Tokyo as Ambassador and the background of Japanese objection to cooperation with Germany concerning Russia and Singapore.

28. STAMMER, Henrich Georg - Presently in Sugamo Prison

- (a) The nationality of the witness is German.
- (b) Ambassador to Japan 1943 - 1945, Liaison between von Ribbentrop and Oshima 1938 to 1941. Witness will testify to the conclusion of the Tri-Partite Pact, his special mission in Japan, the Pearl Harbor surprise, the circumstances of the conferences reported by Paul Schmidt.

29. SCHMIDT, Paul - Nurnburg, Germany

- (a) The nationality of the witness is German.
- (b) Foreign Office interpreter for Hitler, von Ribbentrop and all major conferences during crucial period between 1935 and 1945. This witness can testify as to the extent to which his conferences were reported and shaded by German interests for propaganda purposes. This witness was described as one witness with "great knowledge" at the Nurnburg Trial and knows the background and the development of German-Japanese relations from actual contact.

30. GOTTFRIEDSEN,

- (a) The nationality of the witness is German.
- (b) Liaison between von Ribbentrop and Oshima 1941-1945. Witness can testify as to the attitude of OSHIMA concerning Japanese participation in the Russian war.

31. FISCHER, - Now believed in Shanghai

- (a) The nationality of the witness is German.
- (b) German Consul in Shanghai 1935 to 1945. Can testify as to the lack of harmony between Germany and Japan in their economic relations in China.

32. GENERAL MARSHALL, George C.

- (a) The nationality of the witness is American.
- (b) Former Chief of Staff, U.S. Army, now located in Nanking, China. Will testify from first hand information as the best authority on the subject:

1. German-Japanese collaboration - military.
2. Preparation of the U.S. for Pacific War.
3. Japanese-American war no surprise.

2. That all of the testimony of these witnesses and the documents will bear directly on the issues involved in the counts charged against the defendant OSHIMA.

3. The date upon which the witnesses are required to attend is indefinite but it is requested that the witnesses be alerted and made available for consultation.

4. It is requested that General Eugen Ott be made available for cross-examination and that his testimony be considered part of the Prosecution's testimony.

If General Eugen Ott is not ordered here by subpoena then a special commission should be created for this purpose, at Peking, China.

5. If Paul Schmidt or Gottfriedsen are not available, then arrangements should be made for their interview by commission created for that purpose, at Nurnburg, Germany.

6. That the defendant reserves the right to interview the witnesses generally and not only on what he has indicated in this request. The right is reserved to call witnesses who have volunteered but who later may require subpoena and the defendant reserves the right to file additional lists based upon testimony yet to be introduced in this case.

7. Defendant OSHIMA reserves the right to call as witnesses certain other defendants, to wit: TOJO, TOGO, SHIMADA, HIRANUMA, NAGANO, ITAGAKI, MUTO, HIROTA, SHIRATORI, UMEZU, SHIGEMITSU, as well as taking the stand himself in his own defense. Defendant reserves the right to withdraw from this list of witnesses and documents witnesses who will not be required if other testimony is supplied.

OSHIMA, HIROSHI

/s/

TATSUKI SHIMANOUCHI

/s/

OWEN CUNNINGHAM